

ARTICLE APPEARED
ON PAGE 12-A

USA TODAY
1 December 1986

BRUCE FEIN
An opposing view

Public knows enough to see value of secrecy

GREAT FALLS, Va. — Apparently, President Reagan covertly employed National Security Council officials and private agents to negotiate with an Iranian faction to provide defensive weapons in exchange for U.S. hostages. It further appears Iranian money was diverted to aid the contra forces fighting the dictatorial Sandinista regime in Nicaragua.

These revelations began when Iranians hostile to the USA publicized the arms-for-hostages deal. Subsequently, the president and his Justice Department amplified on the initial disclosures and continue to investigate vigorously. Reagan created a three-member, bipartisan commission to examine the role of the National Security Council and other agencies; the attorney general is pursuing any potential criminal violations involving the diversion of funds.

In sum, the executive branch, pressured by public opinion and Congress, is thoroughly addressing the propriety and legality of the affair. Our constitutional system of checks and balances is working, and congressional intrusions are unneeded. Members of Congress are overreacting in voicing support for additional legislative restraints on the president.

Some contemplate ending all contra funding, despite no proof of contra wrongdoing. Such congressional perfidy would undermine the credibility of the USA as an ally and leave a truculent communist regime in Nicaragua undisturbed. When Congress terminated aid to CIA-supported forces in Angola, a pro-Soviet faction gained power to the

Bruce Fein is a visiting fellow at Heritage Foundation.

detriment of freedom. Recognizing error, Congress repealed the ban a decade later. The Angolan experience proves the foolishness of ending contra funding.

Requiring Senate confirmation of the national security adviser is also envisioned by some. Such a step would be unconstitutional. From the inception of the nation, presidents have unilaterally appointed personal or secret agents to negotiate abroad and to implement foreign policy. In 1791, George Washington disclosed to the Senate his unilateral appointment of Gouverneur Morris to negotiate with the British concerning implementation of the peace treaty. And Reagan used a private citizen, Robert McFarlane, to help forge and execute the controversial arms-for-hostages deal.

The Supreme Court decreed 50 years ago, "The president is the sole organ of the nation in its external relations," and the Constitution forbids curbing his discretion in performing that function. A law compelling presidents to report promptly to Congress all covert actions would be unconstitutional.

Holding televised congressional hearings on the matter would be improvident. The roles of Israeli and Saudi figures and U.S. sympathizers in Iran are potentially explosive. Congressional oversight can occur in executive session and information disclosed if not injurious to foreign policy. The electorate would still assuredly receive more than enough facts to evaluate the actions of the president and others.